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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/621,284	07/17/2003	David Chao	62188.TBA	2486
45599	7590	10/29/2004		EXAMINER
GREENBERG TRAURIG LLP				MAI, HUY KIM
885 THIRD AVENUE				
21ST FLOOR			ART UNIT	PAPER NUMBER
NEW YORK, NY 10022				2873

DATE MAILED: 10/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	Adm
	10/621,284	CHAO, DAVID	
	Examiner Huy K. Mai	Art Unit 2873	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 17 September 2004.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-14 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 1-12 is/are allowed.
- 6) Claim(s) 13 and 14 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 17 September 2004 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 13 is rejected under 35 U.S.C. 102(b) as being anticipated by Yamamoto (6,113,235).

The limitations in claim 13 are shown in Yamamoto's Figs. 7(a-b), column 4, line 57 through column 5, line 9. Yamamoto discloses an eyeglass assembly, comprising: a pair of first eyeglasses 17 having a first frame, a pair of first lenses held by the first frame and a first bridge 20 interconnecting the pair of first lenses and forming the first frame into one piece; a pair of second eyeglasses having a second frame, a pair of second lenses held by the second frame and a second bridge 20 interconnecting the pair of second lenses and forming the second frame into one piece, the second frame having a pair of temples 5, and two retainers 18, each of which retainers is formed on opposite sides of the first frame 17 to correspond respectively to a portion of the temples; wherein each of the retainers is a hook, such that a space is defined in each hook to receive therein the respective portion of each of the temples and such that each hook attaches over a top of the respective portion of each of the temples.

3. Claim 13 is rejected under 35 U.S.C. 102(b) as being anticipated by Xie (6,231,180).

The limitations in claim 13 are shown in Xie's Figs. 1-2, column 4, line 15 through column 5, line 4. Xie discloses an eyeglass assembly, comprising: a pair of first eyeglasses 20 having a first

frame, a pair of first lenses held by the first frame and a first bridge interconnecting the pair of first lenses and forming the first frame into one piece; a pair of second eyeglasses 10 having a second frame, a pair of second lenses held by the second frame and a second bridge interconnecting the pair of second lenses and forming the second frame into one piece, the second frame having a pair of temples, and two retainers 22,23, each of which retainers is formed on opposite sides of the first frame to correspond respectively to a portion of the temples.

4. Claim 14 is rejected under 35 U.S.C. 102(b) as being anticipated by Chao (5,883,689).

The limitations in claim 13 are shown in Chao's Figs. 1-3, column 1, line 66 through column 2, line 35. Chao discloses an eyeglass assembly, comprising: a pair of first eyeglasses 20 having a first frame, a pair of first lenses held by the first frame and a first bridge interconnecting the pair of first lenses and forming the first frame into one piece; a pair of second eyeglasses 10 having a second frame, a pair of second lenses held by the second frame and a second bridge interconnecting the pair of second lenses and forming the second frame into one piece, the second frame having a pair of temples, each of the temples defining therein a hole 12; and two retainers 28, each of which retainers is formed on opposite sides of the first frame to correspond respectively to a portion of each of the temples; wherein each of the retainers is a block having a substantially square cross-section in a vertical axis and having therein a neck and the block and neck of each of the retainers correspond to the hole 12 of each of the temples, such that the first frame is able to connect to the second frame.

Allowable Subject Matter

5. Claims 1-12 are allowed.

Response to Arguments

6. Applicant's arguments with respect to claims 13,14 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huy Mai whose telephone number is (571) 272-2334. The examiner can normally be reached on M-F (8:00 a.m.-4:30 p.m.).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Y. Epps can be reached on (571) 272-2328. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-1562.



Huy Mai
Primary Examiner
Art Unit 2873

HKM/
October 28, 2004